

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,  
HEATHER JACKSON,**

**Plaintiff,**

**v.**

**Civil Action No. 2:21-cv-00316  
Honorable Joseph R. Goodwin, Judge**

**WEST VIRGINIA STATE BOARD OF EDUCATION,  
HARRISON COUNTY BOARD OF EDUCATION,  
WEST VIRGINIA SECONDARY SCHOOL  
ACTIVITIES COMMISSION, W. CLAYTON BURCH  
in his official capacity as State Superintendent, and  
DORA STUTLER in her official capacity as  
Harrison County Superintendent,  
Defendants,**

**And**

**LAINEY ARMISTEAD,  
Defendant-Intervenor.**

**WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION'S  
MOTION IN LIMINE TO EXCLUDE BLATT EXHIBIT 21**

Now comes West Virginia Secondary School Activities Commission (WVSSAC), by counsel, Roberta F. Green, Kimberly M. Bandy, Shannon M. Rogers and Shuman McCuskey Slicer PLLC, and moves the Court for an order in *limine* to preclude use of the 2021 Green Book Summary of Public Education Bills Enacted During the 2021 Regular Session (hereinafter "Green Book"), which is Exhibit 21 to the deposition of Michele Blatt (2.14.22) (ECF No. 289-19). Ms. Blatt was deposed as the 30(b)(6) witness representing the West Virginia State Board of Education and State Superintendent W. Clayton Burch.<sup>1</sup> Over the course of her three-hour deposition,<sup>2</sup> Ms.

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<sup>1</sup> ECF No. 289-19 at 17.

<sup>2</sup> ECF No. 289-19 at 10, 137.

Blatt provided testimony upon which the parties have relied. Yet, Ms. Blatt was further asked to authenticate and comment upon documents that arise in this litigation now but remain without proper authentication or preamble.<sup>3</sup> In particular, Ms. Blatt was asked to authenticate the State's Green Book, which she decidedly was unable to accomplish.

WHEREFORE, WVSSAC moves the Court for an order in *limine*, precluding the use of unauthenticated documents as hearsay and, as such, unnecessarily prejudicial to the parties and this process.

**WEST VIRGINIA SECONDARY SCHOOL  
ACTIVITIES COMMISSION,  
By Counsel.**

**/S/ Roberta F. Green**

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<sup>3</sup> ECF No. 277 at 3.

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**CERTIFICATE OF SERVICE**

I hereby certify that I, Roberta F. Green, have this day, the 22<sup>nd</sup> day of June, 2022, served a true and exact copy of the foregoing with the Clerk of Court using the CM/ECF System, which will send notification of such filing to the following counsel of record:

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